

L A W O F F I C E S

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January 12, 2021

Honorable Michael A. Shipp, U.S.D.J.
United States District Court – District of New Jersey
Clarkson S. Fisher Federal Bldg. & U.S. Courthouse
402 E. State Street, Room 7000
Trenton, NJ 08608

RE: Atlas Systems, Inc, v. Reddy, et al., U.S.D.C.
D.N.J., No. 16-5381 (MAS)

Dear Judge Shipp:

I am writing on behalf of defendant in response to plaintiff's counsel's letter to the Court dated January 7, 2021, regarding my client's compliance with the Order and Memorandum of Opinion entered by Your Honor in this matter on December 4, 2020,

My client sent an initial check in the amount of \$40,000.00, payable to plaintiff's counsel's attorney trust account, by certified mail on December 14, 2020. Receipt of this payment has been acknowledged.

An additional payment in the amount of \$60,000.00, comprising the balance of the settlement sum, has been sent to plaintiff's counsel today, and this has been made known by a letter emailed to counsel earlier today.

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Obtaining the funds to pay the settlement on short notice has only taken place by dint of extraordinary effort by my client. Whereas my client's business had the settlement funds available in 2017, that was no longer the case by 2020, and a Special Disaster Bank Loan had to be arranged in short order under difficult financial circumstances.

The U.S. and world economy are paralyzed by COVID-19 and it has a severe impact on my client's business. Its client businesses are closed or their activity has become suspended. Consultants have been laid off due to the pandemic. Many consultants have been asked to furlough by clients. My client's work force is confronted with COVID and some have been hospitalized. Many service contracts have been postponed indefinitely. Many payments from clients are delayed by 6 - 9 months. Consultant salaries are delayed by 3-4 months and reduced by 20%. For my client and his family, survival itself has become a threat. Hopefully, conditions in business and the world at large will begin to improve, for the benefit of all.

I wish to address plaintiff's counsel's demand for attorney fees dating back to 2017. This demand far exceeds what was awarded by Your Honor in the Order entered in this matter on December 4, 2020. That Order awarded fees involved with enforcement of the settlement, whereas the vast majority of the fees plaintiff's counsel reports, in the total amount of \$20,549.00, concern legal efforts to arrive at (and document the terms of) the settlement itself..

Thus, we regard the time entries on 8/1/18, 10/15/18, 12/3/18, 12/18/18, 12/9/19 and 12/4/20 as coming within the scope of the sanction the Court imposed, totaling \$1,732.50; the remaining amounts

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claimed were not awarded. My client is prepared to pay that amount.

Respectfully yours,

Joel D. Rosen

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and ECF